

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

RONALD R. MURRAY, JR.,

Plaintiff,

vs.

JASON LENE, ET. AL.,

Defendants.

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Case No. 2:07CV33SNL

MEMORANDUM AND ORDER

Plaintiff has filed this §1983 action alleging that he was falsely accused, jailed, and prosecuted for child abduction, following his allegation of child abuse by his ex-wife and her husband, in violation of his due process rights. It also appears that plaintiff is pursuing state-law claims for malicious prosecution, false arrest, and intentional infliction of emotional distress. This matter is before the Court with regard to plaintiff's motion for a default judgment against defendant Kayela Vittetoe (#47), filed January 7, 2007.

Defendant Vittetoe is plaintiff's ex-wife. It appears that she was served with process on or about October 17, 2007. *See*, Court Document # 30. On or about December 3, 2007, the Clerk of the Court granted plaintiff's motion for entry of default against defendant Vittetoe and entered default against her. *See*, Court Document #43. As of today's date, defendant Vittetoe has not filed an answer to the amended complaint, nor filed any type of responsive pleading in connection with the instant request for a default judgment.

In his request for a default judgment, plaintiff makes a total demand of \$4,871,400.00 against this defendant.¹ In the “Affidavit of Damages” filed by counsel on behalf of the plaintiff, plaintiff seeks, among other things, the following damages:

- 1) Due to loss of freedom for a period of 42 days, Plaintiff asks for compensation of \$200 per hour, totaling \$201,600.
- 2) For intense suffering due to worry, Plaintiff requests \$35,000.
- 3) For indignity, Plaintiff requests \$100,000.
- 4) For continuing abnormal fear of law enforcement, Plaintiff prays for \$100,000.
- 5) Plaintiff has suffered symptoms of post traumatic stress syndrome, and asks for \$55,000.
- 6) Plaintiff has suffered a loss of social standing, and requests \$65,000 to compensate.

There is absolutely no supporting memoranda, documentation, or any other materials filed in support of this “affidavit”.

In his amended complaint, plaintiff makes a single allegation against defendant Vittetoe:

“¶26. On or about July 13, 2005 Kayela Vittetoe, although under a Missouri Social Services safety plan to have no contact with C.M. and B. M., in which she had agreed to, swore a statement against Ron Murray, Jr. for failure to return the children to her.”²

Evidently, based upon this single act, plaintiff believes he is entitled to over \$4 million in unsupported damages from this defendant. Upon careful review of the amended complaint, and

¹\$1,623,800.00 in actual damages, and \$3,247,600.00 in exemplary damages.

²At the time of this incident, plaintiff and defendant Vittetoe had joint legal and physical custody of the said minor children, C.M. and B.M.

the request for default judgment, the Court can not find any rational connection between the alleged act by this defendant and the damages sought. The damages sought are completely out of proportion with the allegation made against this defendant, especially in light of the amended complaint as a whole.³

Given the total lack of any objective documentary support for the damages requested, and the minimal alleged wrongful act committed by the defendant, the Court will enter a default judgment in the nominal sum of \$100.00.

Accordingly,

IT IS HEREBY ORDERED that default judgment be and is entered against defendant Vittetoe in the total nominal amount of \$100.00.

Dated this 21st day of February, 2008.



SENIOR UNITED STATES DISTRICT JUDGE

³Notwithstanding that plaintiff has no federal claim against defendant Vittetoe since she is not a state actor.